

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1206

H. P. 952

House of Representatives, March 13, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hickey of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Concerning Reimbursement of Law Enforcement Officers for Off-duty
Time Required for Criminal Prosecution.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 4 MRSA § 173, sub-§ 4, 4th paragraph, as last amended by PL 1975, c. 369, § 2, is further amended to read:

~~All sheriffs, deputy sheriffs or constables who officially appear for a scheduled trial in and for the District Court at times other than their regular working hours shall be compensated out of the General Fund and receive the same fee as any other witnesses. All municipal police officers, so appearing at the order of a prosecuting official and whether or not they are called upon to give testimony, shall be compensated out of the General Fund on an hourly basis equal to their present rate of employment. Notwithstanding any other provision of law, all~~ **All law enforcement officers, including sheriffs, deputy sheriffs, constables, municipal and state police officers**, appearing in District Court at times other than their regular working hours, at the order of a prosecuting official and whether or not they are called upon to give testimony, shall be compensated out of the General Fund ~~on an at a rate 1 1/2 times the hourly basis equal to that established by the State~~ **rate** for their range and step level. The District Court Judge shall determine and order such payment. **A law enforcement officer shall be compensated under this paragraph whether or not criminal prosecution is**

taken to trial. A municipal police officer shall be compensated under this paragraph for the time other than regular working hours during which he is required to be available for testimony for a trial in District Court, whether or not he is required to appear at District Court.

Sec. 2. 15 MRSA § 1320, first paragraph, as enacted by PL 1975, c. 775, § 1, is amended by adding at the end 3 new sentences to read:

All law enforcement officers, including sheriffs, deputy sheriffs, constables, municipal and state police officers, appearing in Superior Court at times other than their regular working hours, at the order of the prosecuting official and whether or not they are called upon to give testimony, shall be compensated at a rate 1 1/2 times the hourly rate established for their range and step level. A law enforcement officer shall be compensated under this paragraph whether or not the criminal prosecution is taken to trial. A municipal police officer shall be compensated under this paragraph for time other than regular working hours, during which he is required to be available for testimony for a trial in Superior Court, whether or not he is required to appear at Superior Court.

STATEMENT OF FACT

This bill provides:

1. That law enforcement officers who are required to testify in court during nonworking hours receive 1 1/2 times their pay for their time spent;
2. That law enforcement officers shall be compensated for this time whether or not the case is brought to trial. Whether or not the case is settled by plea bargaining should have no bearing on whether or not the officer is compensated for spending his own time in the service of the State or city; and
3. That municipal police officers are to be compensated for time during nonworking hours when they are required to be available for testimony, whether or not they actually testify.